

REMARKS

These remarks are directed to the office action mailed September 10, 2008, setting a three month shortened statutory period for response which expired on December 10, 2008. A one month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on January 10, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 10-12 have been added. Claims 1-12 are currently pending.

Information Disclosure Statement

Legible copies of each cited foreign patent document and non-patent literature publication has been included with this amendment, thus placing the information disclosure statement in compliance with 37 CFR 1.98(a)(2).

Claim Objections

Claims 1-9 have been objected to because of informalities. Claims 1-9 have been amended to correct the informalities and thus overcome the Examiner's objections.

Claim Rejections under 35 USC § 112

Claims 1-9 has been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 1 have been amended as suggested by the Examiner. Claims 5 and 9 have been amended to now have proper antecedent basis. Applicant respectfully submits that claims 1-9 are now patentable under 35 USC §112.

Claim Rejections under 35 USC § 103

Claims 1-9 have been rejected under 35 USC §103(a) as being unpatentable over Davison (GB 2,341,833) and further in view of Brown, Jr. (US Patent 6,098,335).

Claim 1 has been amended to recite a rail system having longitudinal beams comprised of “at least two longitudinal sections located some distance apart and link sections joining said longitudinal sections.” As described on page 1, lines 25-29 of Applicant’s specification, the rail system imparts structural strength to the support members.

Davison discloses a moveable gantry 21 extending between rails 20 that remains in engagement with the rails as the gantry moves along them. As shown clearly in Fig. 2, rail 20 is a single rail that **is not comprised of at least two longitudinal sections and link sections joining said longitudinal sections**. In the office action, the Examiner points to Fig. 1 of Davison as showing a horizontal base frame 22 connected to a “top beam” by a vertical bracing frame 23. Applicant submits that gantry 21 is different than the rail system as taught by the Applicant. As shown in Fig. 3 of Davison, gantry 21 sits upon rail 20 and does not provide any structural strength to the green house structure itself. Applicant’s rail system provides structural strength as well as acts as a guide for the wheels or rollers of a carriage.

Brown does not teach or disclose any information regarding the structure of longitudinal beams of a rail system. Therefore, the combination of Davison and Brown does not teach or suggest all of the elements and limitations of independent claim 1.

New claim 10 recites “link sections joining said at least two parallel longitudinal sections in a sawtooth fashion.” Support for this claim is found in Figs. 1-3 of Applicant’s specification. None of the cited references teach or suggest at least two parallel longitudinal sections of the longitudinal beams of a rail system being joined together by link sections in a sawtooth fashion.

New claim 11 recites “longitudinal beams having at least two parallel longitudinal sections, a longitudinal section passing through the at least three successive columns, and link

sections joining together said at least two parallel longitudinal sections and longitudinal section passing through the at least three successive columns.” Support for this claim is found in Fig. 2 of Applicant’s specification. None of the cited references teach or suggest longitudinal beams having three longitudinal sections, with one of the longitudinal sections passing through the columns.

New claim 12 recites a rail system perpendicular to a boundary between the two rooves of a roof construction. Support for this claim is found in Fig. 2 and on page 2, line 29 to page 3, line 4 of Applicant’s specification. As described in page 2, line 29 to page 3, line 4 and page 3, lines 18-25, this perpendicular orientation allows to rail system to be a continuous system that is not interrupted by the rooves of the greenhouse construction. Furthermore, since the carriage is moves perpendicular to the direction of the gutter, it is no longer necessary to compensate for differences in height in the case of longer greenhouse constructions. None of the cited references teach or suggest a rail system that is perpendicular to the boundaries and gutters of a roof construction.

Applicant submits that none of the cited references teach or suggest all of the elements and limitations of claims 1, 10-12. Therefore, independent claims 1, 10-12 and the claims dependent therefrom are patentable under 35 USC §103.

Conclusion

It is respectfully submitted that all of the Examiner’s objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 72998-014400 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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